



18351 U.S.PTO

PATENT  
Customer Number 22,852  
Attorney Docket No. 5495.0001-10

22141 U.S.PTO  
10/829442



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Mail Stop Patent Application**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

36 A  
(see rx-1. pg)

Prior Application Art Unit: 1648 Prior Application Examiner: H. Park

SIR:

This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R.  
§ 1.53(b) of pending prior Application No. 10/326,090 filed December 23, 2002 of Lutz  
G. Guertler *et al.* for RETROVIRUS FROM THE HIV GROUP AND ITS USE

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior Application No. 10/326,090 as originally filed on December 23, 2002, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125. The undersigned hereby verifies that no new matter is added in this substitute specification.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
4. ☒ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended in the Preliminary Amendment filed herewith.

Basic Application Filing Fee					\$770	\$ 770.00
	Number of Claims		Basic	Extra Claims		
Total Claims	5	-	20	0	x \$18	-
Independent Claims	5	-	3	2	x \$86	172.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$290	-
Subtotal						\$ 942.00
Reduction by 1/2 if small entity						- -
TOTAL APPLICATION FILING FEE						\$ 942.00

6. ☒ A check in the amount of \$942.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8. ☒ New acceptable drawings are enclosed.
9. ☒ The prior application is assigned of record to: Dade Behring Marburg GmbH
10. ☐ Priority of Application No. [Text], filed on [Text] in [Country] is claimed under 35 U.S.C. § 119. A certified copy  
☐ is enclosed or ☐ is on file in the prior application.
11. ☐ Small entity status is appropriate and applies to this application.
12. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg.


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15. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, Customer Number 22,852.
16. ☒ Recognize as associate agent Maryann T. Puglielli, Reg. No.: 52,138
17. ☐ Also enclosed is \_\_\_\_\_

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 10/326,090, filed December 23, 2002, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 22, 2004

By:   
David S. Forman  
Reg. No. 33,694